IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

| WILLIAM A. MARSHALL, |) |
|------------------------|------------------------|
| Plaintiff(s), | No. C 09-3872 CRB (PR) |
| vs. | ORDER OF TRANSFER |
| SUE SUMMERSET, et al., |) |
| Defendant(s). |) } |
| |) |

Plaintiff, a prisoner at Ironwood State Prison in Blythe, California, has filed a prose complaint for damages under 42 U.S.C. § 1983 and 28 U.S.C. § 1332 alleging that he has contracted "several bouts of salmonellosis and staphylococcus as a result of being intentionally fed tainted and spoiled food." Plaintiff names as defendants California Department of Correction and Rehabilitation Menu Coordinator Sue Summerset and various food companies he claims do business with Ironwood State Prison.

Venue is not proper in this district because a substantial part of the events or omissions giving rise to plaintiff's claims did not occur in this district and no viable named defendant resides in this district. See 28 U.S.C. § 1391. Venue is proper in the Central District of California, Eastern Division, where Ironwood State Prison is located, because a substantial part of the events or omissions giving rise to plaintiff's claims occurred in said district. See 28 U.S.C. § 84(c)(1).

Accordingly, IT IS ORDERED that, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this action be TRANSFERRED to the United States District Court for the Central District of California, Eastern Division. The clerk shall transfer this matter and terminate all pending motions as moot. SO ORDERED. DATED: Oct. 8, 2009 CHARLES R. BREYER United States District Judge